

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a) C.U.P. NO. 7-84
REQUEST FOR A CONDITIONAL)
USE PERMIT) FINDINGS OF FACT, CONCLUSIONS OF
for) LAW AND ORDER
JAMES W. AYERS)

THIS MATTER came on for a hearing before the Klamath County Assistant Hearings' Officer, JAMES R. UERLINGS, on March 1, 1984, at the Klamath County Commissioners' Hearing Room. The hearing was held pursuant to notice given in conformity with the Klamath County Development Code and related ordinances. The applicant was present at the hearing and the Planning Department was represented by Jonathan Chudnoff.

The following exhibits were offered, entered into evidence and made a part of the record: Exhibits "A" through "D".

The Assistant Hearings Officer, after reviewing the evidence presented, makes the following findings of fact, conclusions of law and decision.

FINDINGS OF FACT:

1) The subject property is owned by JAMES W. AYERS, SR. The applicant is requesting a conditional use permit to allow a mobile home to be placed upon the subject property in order that the applicant can reside in said mobile home and care for his elderly mother who resides in the residence

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1 built on said real property.

2 2) The property is located at 5439 Avalon, between
3 Anderson Avenue and the Southside Bypass and is described
4 as Tax Lot 400, located in the NE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 15, Township
5 39, Range 9, Klamath County, Oregon.

6 3) The plan designation for the property is
7 urban residential and the zone designation is suburban
8 residential (RS). Adjacent and surrounding property is
9 zoned suburban residential (RS).

10 4) The physical characteristics of the property
11 are as follows: dimensions, 99' x 633.2'; acreage consists
12 of 1.46 acres, shaped as rectangular; vegetation as lawn and
13 trees and pasture; topography is level; and general drainage
14 is surface runoff to roadside ditches.

15 5) No agency input was received from any entity.
16 No persons appeared in opposition to this request for a
17 conditional use permit.

18 6) The applicant testified that his mother is
19 81 years old and has lived upon the property since 1971.
20 The applicant indicated that on several recent occasions
21 that his mother was not physically able to care for her own
22 nutritional and hygienic needs and has determined that the
23 best solution would be for him to move with his family,
24 consisting of a wife and three daughters, upon the property.
25 They would live in the double wide mobile home which the
26 applicant already owns and which is currently situated in the
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1 Bristol Court mobile home park. The applicant has indicated
2 that he has briefly discussed the sewer system currently on
3 the property with the Klamath County Health Department and
4 feels that he can comply with their request in order to
5 establish a septic tank system for the mobile home.

6 The applicant indicated that he will be putting fill dirt
7 and additional drain rock on the property in order to improve
8 the drainage in the back half of the property where he intends
9 to place the mobile home.

10 7) An additional witness, Elaine Jackson, appeared
11 at the hearing to testify in favor of the conditional use
12 permit. She indicated that she was a neighbor of the appli-
13 cant's mother and agreed that the current situation required that
14 the applicant's mother receive a great deal of care.

15 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

16 1) Klamath County Development Code Section 44.003
17 sets forth the criteria for consideration in the application
18 of a conditional use permit:

19 A. That the use is conditionally permitted in the
20 zone in which it is proposed.

21 B. That the location, size, design and operating
22 characteristics of the proposed uses is in conformance with the
23 Klamath County Comprehensive Plan.

24 C. That the location, size, design and operating
25 characteristics of the proposed development will be compatible
26 with, and will not adversely effect, the livability or

appropriate development of abutting properties in the surrounding neighborhood. Consideration shall be given to the harmony in scale, bulk, and utilities; to harmful effects, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets and to other relevant impact of the development.

KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

1) The proposed use is conditionally permitted within the RS zone as set forth in Section 51.005(c)(5).

2) The location, size, design and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan.

3) The location, size, design and operating characteristics of the proposed development, consisting of the placement of a mobile home, will be compatible with, and will not adversely effect, the livability or the appropriate development of abutting properties and the surrounding neighborhood. The only persons who testified at the hearing from the neighborhood supported the conditional use permit.

4) After considering the harmony in scale, bulk, coverage and density, there does not appear to be any harmful effects upon the desirable neighborhood character nor does there appear to be any additional generation of traffic to the surrounding streets.

* * * * *

1 STATE-WIDE PLANNING GOALS AND CRITERIA:

2 See Exhibit "AA" attached hereto and incorporated
3 by this reference.

4 CONCLUSIONS OF LAW AND DECISION:

5 1) This request for a conditional use permit on
6 the subject property meets all the applicable Klamath County
7 Development Code criteria and policies governing such.

8 2) This request for a conditional use permit is
9 consistent with, and complies with, all the applicable State-
10 wide Planning Goals and review criteria.

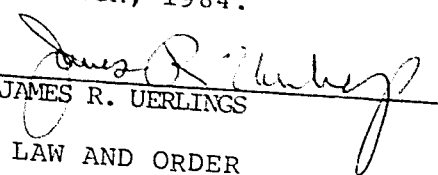
11 3) The following conditions are deemed necessary
12 to protect the health, safety and welfare of the citizens
13 of Klamath County:

14 A) That the applicant follow the plot plan
15 as submitted;

16 B) That the applicant apply for and obtain
17 any and all necessary permits required for the connection
18 of the mobile home to any existing septic tank system or,
19 failing to obtain permission to connect to existing systems,
20 install whatever system is required by the appropriate health
21 officials.

22 Therefore, it is hereby ordered that the request
23 for a conditional use permit on the subject property herein
24 described is hereby granted, subject to conditions set forth above.

25 DATED this 6th day of March, 1984.

26 
JAMES R. UERLINGS

COMPREHENSIVE PLAN POLICIES AND STATE
LAND USE GOALS 1 - 14

GOAL NO. 1 - Citizen Involvement

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

1. "The County shall provide for continued citizen involvement opportunities."

State Goal Issues:

A public hearing on this matter has been set for March 1, 1984. Notice has been sent to neighboring property owners, concerned public agencies and published in the Herald and News.

GOAL NO. 2 - Land Use Planning

- ☒ Complies ☐ Does not comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

The area is planned and zoned for suburban residential use. The proposal is consistent with the property development standards of the RS zone. The proposed mobile home would fit in with the others already in the area.

Article 46
Major/Minor Partition
Section 46.003 Review Criteria

	Complies	Does not Comply	N.A.
A -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

GOAL NO. 3 - Agricultural Lands

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The area has Class III soils but is committed and developed for non-farm urban use. There is no farm use in the surrounding area other than some livestock accessory to the existing homes.

GOAL NO. 4 - Forest Lands

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

Area soils do not have a timber site productivity rating.

GOAL NO. 5 - Open Space, Scenic and Historic Areas, and Natural Resources

3764

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried Goal 5 resources on or adjacent to this property.

GOAL NO. 6 - Air Water and Land Resource Quality

☒ Complies ☐ Does not Comply

☐ Complies with Conditions

☐ Not applicable

Relevant Policies:

2. "All solid waste discharge will be disposed of in accordance with the County Solid Waste Management Plan."

4. "Urban and rural residential use shall be designated only when approved sewage disposal alternatives have been identified."

State Goal Issues:

The property is within the Klamath Disposal Company's solid waste collection franchise area, served by the County landfill on Old Fort Road. A new septic system on the property would require the review and approval of the County Health Department.

GOAL NO. 7 - Natural Disaster and Hazards Area

3765

- ☐ Complies ☐ Does Not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

No natural hazards are known to affect the area.

GOAL NO. 8 - Recreation Needs

- ☒ Complies ☐ Does Not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

Recreational facilities are available throughout the urban area and include neighborhood parks, schools, the County fairgrounds, library and Senior Citizen Center.

GOAL NO. 9 - County Economy

3766

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

Purchase and placement of a mobile home on this lot would provide small economic benefits. No major or long-term effects on the local economy or employment are apparent.

GOAL NO. 10 - Housing

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

1. "Residential property shall be zoned to allow the full range of housing types and densities of the Comprehensive Plan."

State Goal Issues:

Placement of a mobile home on this lot would allow a moderate cost dwelling to be provided.

GOAL NO. 11 - Public Facilities and Service

3767

☒ Complies ☐ Does not Comply☐ Complies with conditions☐ Not applicable

Relevant Policies:

12. "Development proposals shall not be approved unless the types and levels of public facilities and services required are available or are to be provided."

State Goal Issues:

Electrical, telephone, gas and water services are available to the property. The area is in County Fire District No. 1.

The level of utilities and services is adequate to serve the additional home proposed.

GOAL NO. 12 - Transportation

☒ Complies ☐ Does not Comply☐ Complies with conditions☐ Not applicable

Relevant Policies:

State Goal Issues:

The property fronts on Avalon Street, a gravel public street adequate to carry the traffic added by the new home.

GOAL NO. 13 - Energy Conservation

3768

☒ Complies ☐ Does Not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

A new home at this location would conserve energy by using the utilities and services that are already available and by being close to the employment and commercial centers of the urban area.

GOAL NO. 14 - Urbanization

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The property is within the Klamath Falls urbanized area and is served by the urban facilities needed to support the level of proposed development.

Exhibit "AA", Page 7.

STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for record on the 8th day of March A.D., 1984 at 2:00 o'clock P.M. and duly recorded in Vol MB4, of Deeds on page 3757.

Fee \$ None

EVELYN BIEHN, COUNTY CLERK

by Pam Smith Deputy